

# **EXHIBIT 18**

11  
12 CAUSE NO. 2013-CI-17384  
13 JOAN K. GONZALEZ, ) IN THE DISTRICT COURT  
14 Plaintiff, )  
15 VS. )  
16 TEXAS HEALTH AND HUMAN )  
17 SERVICES COMMISSION, AND )  
18 EXECUTIVE COMMISSIONER )  
19 Kyle Janek, M.D. and )  
Director Kelly Ford, in )  
their Official Capacities, )  
Defendants. ) 225TH JUDICIAL DISTRICT

21  
22 ORAL DEPOSITION OF  
23 MARCELLUS HUCHISON  
24 APRIL 17, 2014

1 ORAL DEPOSITION OF MARCELLUS HUCHISON, produced as  
2 a witness at the instance of the Defendant, and duly  
3 sworn, was taken in the above-styled and numbered cause  
4 on April 17, 2014, from 3:48 p.m. to 4:10 p.m., before  
5 Deborah A.G. Davidson, CSR, RPR, in and for the State of  
6 Texas, reported by machine shorthand, at the Texas  
7 Department of Human Services, 11307 Roszell Street, San  
8 Antonio, Texas 78217, pursuant to the Federal Rules of  
9 Civil Procedure and the provisions stated on the record  
10 or attached hereto.

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1 A-P-P-E-A-R-A-N-C-E-S  
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3 FOR THE PLAINTIFF:

4 Mr. Michael V. Galo, Jr.  
5 THE GALO LAW FIRM, P.C.  
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10 FOR THE DEFENDANTS:

11 Mr. Marc Rietvelt  
12 OFFICE OF THE ATTORNEY GENERAL  
13 General Litigation Division - 019  
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16 Phone: (512) 463-2100

17 ALSO PRESENT:

18 Russ Harris,  
19 Assistant Attorney HHSC;  
20 Joan K. Gonzalez;  
21 Marcellus Huchison,  
22 The Witness;

23 Deborah Davidson,  
24 Certified Shorthand Reporter.

1 Q. Do you remember her asking you that?

2 A. During the time we worked together?

3 Q. Well, or even more recently?

4 A. No. I don't think I have told Joan that.

5 Q. Are you required to work overtime?

6 A. We're not -- it's not -- well, you got a  
7 caseload, and so I think the requirement is they don't  
8 want you to work over ten hours overtime.

9 Q. Okay.

10 A. Yeah. I don't know the policy verbatim. So --  
11 you know, so -- but I think they don't want you working  
12 over ten years.

13 Q. Okay. And are you required to work overtime?

14 A. I don't think we are required to work overtime.

15 Q. Okay.

16 MS. GONZALEZ: It's by choice.

17 Q. (BY MR. GALO) It is by choice?

18 A. Well, it's by you're going to get your caseload  
19 done.

20 Q. Sure.

21 A. Yeah.

22 Q. In other words, if you want to -- but you don't  
23 have a supervisor telling you you must work overtime --

24 A. No.

25 Q. -- every week?

1           A. No.

2           Q. Now, at the call center did you have to work  
3 overtime?

4           A. Well, at the call center was a totally  
5 different scenario.

6           Q. Okay.

7           A. I mean, a different time in life too.

8           Q. And you have already described for me in part  
9 how it was different, but was there a rule at the call  
10 center that you had to work "X" number of hours of  
11 overtime every week?

12          A. Yes. And it was -- I think the reason we did  
13 that was because we had just converted over to the new  
14 Tiers program. The state adopted the new program --

15          Q. Yeah.

16          A. -- and we was -- and we was in that -- in that  
17 conversion mode.

18          Q. How was it that you got the job in the Schertz  
19 office?

20          A. I requested it.

21          Q. Okay. And walk me through the process of  
22 trying to -- you know, of leaving -- in other words, of  
23 getting -- requesting a job outside the call center?

24          A. Well, originally when everybody that -- in my  
25 little group that came over to the call center, it was

1 cases, generally somebody walk in off the street,  
2 expedite need to be done, and then you have -- normally  
3 we have what they call desk reviews is when some people  
4 turn in application and you can process without actually  
5 talking to them, and now we got the new ACA cases come  
6 on board.

7 Q. Uh-huh.

8 A. And they usually give you about two or three of  
9 those to do a day. I am generally done by three-thirty,  
10 four every day and other people work a little late  
11 because they don't get them done.

12 Q. So what time do you go to work?

13 A. I usually go to work at eight o'clock.

14 Q. And you are done by three-thirty?

15 A. (Moving head up and down.)

16 Q. Is that right?

17 A. I type fast.

18 Q. Well, I am not disputing that.

19 A. Yeah. And not every single day.

20 Q. Are you --

21 A. But most -- the most days -- most days.

22 Q. You must not take a lunch?

23 A. I take a lunch.

24 Q. An hour?

25 A. I take an hour.

1           Q. And you work Saturdays too?

2           A. If I can keep from it. I have been over at  
3 that Schertz office, what, two and a half years and I  
4 have probably worked two Saturdays in two and a half  
5 years and -- and that wasn't -- it wasn't mandatory. It  
6 was because I chose to.

7           Q. And generally speaking you work from eight to  
8 three-thirty with an hour lunch?

9           A. No. I work from eight to five, but I am  
10 usually done by three-thirty.

11          Q. So what do you do after three-thirty?

12          A. I do my admin work. Because a lot of times we  
13 send cases back, we say, "Hey, I need information from  
14 you," and so at that particular time that's when I do  
15 that kind of admin work.

16          Q. Okay. I follow you.

17          A. (Moving head up and down.)

18          Q. Do you ever have to stay late? Is it rare?

19          A. It's rare.

20          Q. Do the -- you were talking about some of these  
21 works advisors that had been at the old center and then  
22 they had moved to the call center and then they -- some  
23 of them have kind of spread out to different local  
24 offices if I understood you correctly?

25          A. Uh-huh.

1 remember data broker?

2 A. Uh-huh. Of course.

3 Q. Was that something you used in the WHP program?

4 A. Yeah. We used it quite frequently.

5 Q. Okay. That was something you needed to do your  
6 job, right?

7 A. Most definitely.

8 Q. If you didn't have access would it have made it  
9 harder or more time consuming to do your job?

10 A. I believe it most definitely would, yeah.

11 Q. Okay. You know, the E.E.O.C. in this case they  
12 actually found -- they did a big investigation and they  
13 actually found in Joan's favor. They interviewed some  
14 people and I was reading these interview notes that the  
15 E.E.O.C. investigator -- investigator wrote and, you  
16 know, like one of the people they talked to -- what was  
17 that lady's name? Bear with me just a second. Did you  
18 ever hear rumors that they were trying to get rid of  
19 Joan?

20 A. No.

21 MR. GALO: No. That's not the one that I  
22 am --

23 MS. GONZALEZ: They're all --

24 Q. (BY MR. GALO) Bear with me, I'm almost done.

25 We'll get you out of here in just a second. Were you --